IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No.5178 of 2007

Prasad Madhav Datar ..Petitioner

vs.

Mrs.Sharmila Prasad Datar ..Respondent

Shri V.A.Gangal for petitioner.
Shri S.A.Abhyankar with Smt.A.M.Helekar for respondent.

CORAM: S.C.DHARMADHIKARI J.
21st NOVEMBER, 2007

P.C.

1. Heard the learned Counsel appearing for both sides.

2. Perused the order passed by the Family Court. In my view, there is no reason to interfere with the Family Court's order below Exh.16. All that remains is where the child should be picked up by the petitioner/father. He is averse to taking the child from the residence of respondent/mother. In such circumstances, I enquired from Shri Abhyankar appearing for the respondent/mother as to whether the child can be brought somewhere else to avoid any untoward incident. He states that the petitioner need not enter the respondent/mother's residential

premises and the child can be brought down to the society/security office from where the child can be picked up as per the directions of the Family Court. In the light of this statement and when the petitioner is agreeable to go to Borivli to pick up the child, I see no reason to pass any order or interfere with the Family Court's order under challenge. The petition is dismissed. I have no doubt in my mind that the respondent/mother would not deprive the child of the company of the father and would abide by the directions as are issued from time to time with regard to the access. I have also no doubt in my mind that the child would be handed over to the petitioner/father or his parents/sister on the date and time stipulated in the order of the Family Court. However, the child will be brought to the society/security office and handed over to the petitioner/father therefrom.

3. The respondent to abide by all such directions and grant access to the child as directed. Needless to state that the parties are at liberty to adopt such proceedings as are permissible in law in case they seek variation of the order.

(S.C.DHARMADHIKARI J.)